

JAP:EDP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

13 M 0451

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UNITED STATES OF AMERICA

- against -

FIOR DALIZA GARCIA,

Defendant.

COMPLAINT

(21 U.S.C. §§ 952(a) and 960)

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EASTERN DISTRICT OF NEW YORK

EDWARD ROMEO, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

Upon information and belief, on or about May 29, 2013, within the Eastern District of New York and elsewhere, defendant FIOR DALIZA GARCIA did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing heroin, a Schedule I controlled substance, and cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:

1. On or about May 29, 2013, the defendant arrived at John F. Kennedy International Airport ("J.F.K. Airport") in Queens, New York, aboard Jet Blue flight 838 from Santo Domingo, Dominican Republic.

2. The defendant, who arrived in a wheelchair, was selected for a Customs and Border Protection ("CBP") examination. The defendant presented two suitcases for inspection. Both suitcases were inspected with negative results. During the examination, CBP officers noticed that the defendant appeared nervous and that her wheelchair had been recently painted.

3. Based on the defendant's behavior and the condition of the wheelchair, a pat down search was requested from and authorized by a supervising CBP officer. The defendant was brought to a private exam room, and the pat down search process was explained to her. The defendant was then moved to a different wheelchair. During the subsequent search, CBP officers lifted the wheelchair and noticed that it was unusually heavy and flimsy. CBP officers probed inside the body of the wheelchair, yielding a white powdery substance that field-tested positive for cocaine. The defendant was placed under arrest. Further probing into the body of the wheelchair revealed an additional powdery substance that field-tested positive for heroin.

4. The total approximate gross weight of the heroin found in the defendant's wheelchair is 3,407.6 grams; the total approximate gross weight of the cocaine found in the defendant's wheelchair is 20,174.3 grams.¹

5. In the presence of Special Agents from HSI, the defendant was read her Miranda rights with the assistance of a Spanish-speaking CBP officer. The defendant indicated that she understood her Miranda rights and agreed to waive them. The defendant stated that she knew that drugs were concealed inside her wheelchair and stated that she was going to be paid \$12,000 for bringing the drugs into the United States.

¹ The weights listed in this complaint reflect the combined weight of the narcotics seized from the defendant and the portions of the wheelchair in which the narcotics were hidden. Accordingly, the net weight of the narcotics will be lower than the weights listed in this complaint.

WHEREFORE, your deponent respectfully requests that defendant FIOR
DALIZA GARCIA be dealt with according to law.



EDWARD ROMEO
Special Agent
HSI

Sworn to before me this
29th day of May, 2013

THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK